

### **REMARKS**

Applicants appreciate the thorough examination of the present application that is reflected in the lengthy, detailed and thoughtful Official Action of September 13, 2006. Applicants also appreciate the courtesies extended by the Examiner to the undersigned during a telephone interview on October 17, 2006. During the interview, the Examiner clarified the "Requirement for Information" at Pages 15-17 of the Official Action. In particular, during the interview, the Examiner reviewed Items 1-15 in the requirement for information, the basis for these requests and what type of information the Examiner was looking for. The Examiner also indicated that if no information was available to Applicants, "None" would be an appropriate response. The above constitutes a complete summary of the telephone interview between the Examiner and the undersigned pursuant to MPEP §713.04.

Applicants will now show that the pending claims in the present continuation-in-part (CIP) application are entitled to the filing date of the parent application (Application Serial No. 09/440,778, filed 16 November 1999, now U.S. Patent 6,598,027), because the claims are fully supported by the original figures and related description of the parent that was carried forward into the present CIP. As such, Applicants will also show that the information requested in the Requirement for Information is no longer applicable. Finally, Applicants will show that the pending claims are patentable over online pharmacies, because online pharmacies do not verify that a buyer of a pharmaceutical has a valid license issued by a regulatory agency for the pharmaceuticals, as recited in the independent claims. Accordingly, Applicants respectfully request withdrawal of the outstanding rejections and allowance of the present application, for the reasons that will be described in detail below.

For the convenience of the Examiner, the following analysis will be presented in the order in which the rejections/objections were presented in the Detailed Action of the Official Action (Pages 2-18 of the Official Action).

#### **Priority**

The Official Action correctly notes that Figures 20-22 and the related description were added in the present CIP application. However, the Official Action contends, at Page 3:

Applicant elected to prosecute the embodiment found in Figs. 20 and 21, paragraphs 0152-0165. Please note that new claims 79 and 80 are drawn to matter found in the non-elected second embodiment, Inventions II, IV and VI, which refer to auctions and are separately described in paragraphs 0166-0169 and relate to Fig. 22.

Applicants respectfully submit that this is not the case. Rather, all of the pending claims are clearly supported by the original disclosure of the parent application (Figures 1-20 of the present application and related description). In order to prove this, method Claims 1-12 are annotated below, with references to the Figures and specification indicated in bold type font and parentheses:

Annotated Claims 1-12

1. A method of selling regulated goods over a computer network **(20)**, wherein the computer network comprises a Web site of a seller **(19)** and a plurality of Web clients **(18)** in communication with the Web site, and wherein buyers communicate with the Web site via respective Web clients, the method comprising:

displaying information **(220)** about regulated goods offered for sale via the Web site;

receiving an offer **(230)** at the Web site from a buyer, via a respective Web client, to purchase the regulated goods;

verifying **(240)** that the buyer is authorized to purchase the regulated goods by verifying that the buyer has a valid license issued by a regulatory agency for the regulated goods; and

sending an acceptance **(1142)** of the offer to the buyer in response to verifying that the buyer is authorized to purchase the regulated goods.

2. The method of Claim 1, further comprising verifying **(255)** that the regulated goods offered for sale are legal for use within the buyer's location in response to verifying that the buyer is authorized to purchase the regulated goods.

3. The method of Claim 1, further comprising initiating delivery **(260)** of the regulated goods to the buyer in response to verifying that the buyer is authorized to purchase the regulated goods.

4. The method of Claim 1, further comprising initiating a transfer of funds **(255)** from a financial account of the buyer to a financial account of the seller.

5. The method of Claim 4, wherein the step of initiating a transfer of funds **(255)** comprises notifying a third party financial

institution via the computer network to transfer funds from a financial account of the buyer to a financial account of the seller.

6. The method of Claim 1, wherein the information **(200)** listed about the regulated goods offered for sale comprises a designation of a time period within which offers to purchase the regulated goods at the sales price will be accepted.

7. The method of Claim 1, wherein displaying information **(220)** about the regulated goods offered for sale comprises displaying cost information for shipping the regulated goods to a buyer location.

8. The method of Claim 1, wherein the regulated goods are selected from the group consisting of agricultural chemicals, seeds, and animal health products **(U.S. Patent 6,598,027, Column 3, line 2)**.

9. The method of Claim 1, further comprising storing information **(290)** about a sale of regulated goods to the buyer.

10. The method of Claim 1, further comprising imposing restrictions **(240)** as to where and from whom offers to purchase the regulated goods will be accepted.

11. The method of Claim 3, wherein initiating delivery of the regulated goods comprises:  
conducting a reverse auction over the computer network **(U.S. Patent 6,598,207, Column 2, line 56)**, wherein carriers, via respective Web clients, can submit bids for delivering the regulated goods to the buyer; and  
declaring a winning carrier, wherein the winning carrier submitted a lowest bid for delivering the regulated goods to the buyer.

12. The method of Claim 3, wherein initiating delivery of the regulated goods comprises initiating delivery of the regulated goods via a third party freight dispatcher **(23)** in communication with the Web site.

Applicants wish to note that the above annotation merely provides examples of support for Claims 1-12 in the parent Application Serial No. 09/440,778, now U.S. Patent 6,598,027. However, the claims should not be construed as being limited to these embodiments, and many other occurrences of support may be found throughout the specification and drawings of the parent. Finally, as noted by the Examiner, Claims 27-

38 are system analogs, and Claims 53-64 are computer program analogs of Claims 1-12, so that they will not be analyzed separately.

Finally, dependent Claims 79 and 80 are also fully supported by the parent application, as shown by the following annotated claims:

Annotated Claims 79-80

79. The system of Claim 27, further comprising a computer usable storage medium having computer readable program code embodied in the medium, and

wherein the means for displaying information **(220)** about regulated goods offered for sale via the Web site comprises computer readable program code that displays information about regulated goods offered for sale via the Web site,

wherein the means for receiving an offer **(230)** at the Web site from a buyer, via a respective Web client, to purchase the regulated goods comprises computer readable program code that receives an offer at the Web site from a buyer, via a respective Web client, to purchase the regulated goods,

wherein the means for verifying that the buyer is authorized **(240)** to purchase the regulated goods by verifying that the buyer has a valid license issued by a regulatory agency for the regulated goods comprises computer readable program code that verifies that the buyer is authorized to purchase the regulated goods by verifying that the buyer has a valid license issued by a regulatory agency for the regulated goods, and

wherein the means for sending an acceptance of the offer **(1142)** to the buyer in response to verifying that the buyer is authorized to purchase the regulated goods comprises computer readable program code that sends an acceptance of the offer to the buyer in response to verifying that the buyer is authorized to purchase the regulated goods.

80. The method of Claim 1, wherein receiving an offer at the Web site from a buyer, via a respective Web client, to purchase the regulated goods comprises:

conducting an auction **(320)** over the computer network to solicit bid offers to purchase the regulated goods;

receiving at least one bid offer **(330)** to purchase the regulated goods; and

declaring a buyer that submits a highest bid offer for the regulated goods a winner **(350)**, and

wherein sending an acceptance of the offer to the buyer **(1142)** in response to verifying that the buyer is authorized to purchase the regulated goods comprises sending an acceptance of the bid offer to the buyer that submitted the highest bid in response to verifying that

the buyer that submitted the highest bid is authorized to purchase the regulated goods.

Accordingly, the pending claims are fully supported by the parent application as filed. As such, the effective filing date of all of the pending claims is the effective filing date of the parent application, i.e., 16 November 1999. Applicants, therefore, respectfully request the Examiner to withdraw the holding of priority of the pending claims of 23 June 2003, and instead to confirm that the priority for all of the pending claims is the priority date of the parent, 16 November 1999.

#### **Claim Objections**

Claims 12, 38, 56 and 64 have been amended to correct the typographical errors in the claim dependencies. Applicants appreciate the Examiner's careful study of the claims, which revealed these typographical errors. Accordingly, Applicants respectfully request withdrawal of the claim objections.

#### **Claim Rejections - 35 USC § 112**

At Page 4 of the Official Action, Claims 79 and 80 were rejected under 35 USC §112, first paragraph, as failing to comply with the written description requirement. However, Applicants clearly showed above that Claims 79 and 80 were supported by the specification and drawings as originally filed. Moreover, Claim 79 merely takes the subject matter of Claim 27 and converts it to computer program product form, so that it is clearly supported in the same manner as Claim 27.

Finally, as was shown above, Claim 80 is fully supported by Figure 4 in combination with the display screen 1142 of Figure 14F. Moreover, Figure 4, which contains Blocks 320, 330 and 350 clearly shows receiving a request to post information (Block 300), receiving an offer (Block 320), verifying that the bid is authorized (Block 330) and sending an acceptance 1142 in one embodiment, so that Figure 4 and the screen shot of Figure 14F clearly enable the combination of Claims 1 and 80 in a single embodiment. Accordingly, Applicants respectfully request withdrawal of the rejections under 35 USC §112.

**Claims Rejections - 35 USC § 102 and 103**

At Page 5 of the Detailed Action, the following rejection under 35 USC §102(a) was made:

Claims 1-3, 6, 7, 9, 10, 12, 27-29, 32, 33, 35, 36, 38, 53-55, 58, 59, 61, 62 and 64 are [sic] rejected under 35 U.S.C. 102(a) as being anticipated by internet pharmacies, as evidenced by [a] **PlanetRX**: next big cyber success story? //E-TRADE: A upstart wants to replace your corner drugstore, er, superstore.; [MORNING Edition] *DAWN C. CHMIELEWSKI*, Orange County Register, Santa Ana, Calif.: Mar 18, 1999. 3 pages, downloaded from the Internet on 11 September 2006 and [b] **Soma.com** Calls for Crackdown on Unethical Internet Pharmacies, *Business Editors, Internet/On-Line Writers*. Business Wire. New York: Mar 30, 1999. 3 pages. Both documents were downloaded from ProQuest on the Internet on 11 September 2006.

Applicants wish to note that they could antedate the PlanetRx and Soma references, because these references are not more than one year before the filing date of the parent application, i.e., more than one year prior to 16 November 1999. However, Applicants will not do so, because the Examiner has treated these references as merely being representative of Internet pharmacies. Rather, Applicants respectfully submit that the claims are patentable over Internet pharmacies, at least because Internet pharmacies do not describe or suggest:

verifying that the buyer is authorized to purchase the regulated goods by verifying that the buyer has a valid license issued by a regulatory agency for the regulated goods...,

as recited in Claim 1 or analogous recitations of Claims 27 and 53. Note that this recitation states that verification is made that the buyer has a valid license issued by a regulatory agency for the regulated goods. As noted in the Official Action, for example at Page 6, an online pharmacy may verify that the buyer has a prescription from a doctor. However, there is no verification that the buyer himself has been issued a valid license by a regulatory agency to the buyer for the regulated goods. In particular, a physician is not a regulatory agency. Moreover, there is no description or suggestion that the prescribing physician's authority to issue the prescription is checked by an Internet pharmacy. Finally, even if the license of the physician was checked, there is no description or suggestion that an Internet pharmacy would verify that the buyer has a valid license issued to the buyer by a regulatory agency for the regulated goods, as recited in Claim 1.

In sharp contrast, Blocks **130, 135, 330, 340, 241 and 410**, and the extensive portions of the specification relating thereto, explain how it may be verified that the buyer has a valid license issued to the buyer by a regulatory agency for the regulated goods. It would not be obvious to perform such a buyer verification based on the requirement of an online pharmacy that a prescription be provided by a doctor. Accordingly, independent Claims 1, 27 and 53 are patentable over online pharmacies, such as PlanetRx and Soma.

The dependent claims, including those dependent claims that were rejected under 35 USC §102, and those dependent claims that were rejected under 35 USC §103 at Pages 8-14 of the Detailed Action, are patentable at least per the patentability of the independent claims from which they depend. Moreover, many of the dependent claims are separately patentable. However, in view of the clear patentability of the independent claims, the dependent claims will not be addressed individually.

#### **Requirement for Information**

The Requirement for Information at Pages 15-17 of the Detailed Action relates to documents 1-15 that were attached to the Official Action. However, the basis of all of these requests is the assumption that the effective filing date of the pending claims is 23 June 2003. As was clearly shown above, the effective filing date of the pending claims is the effective filing date of the parent, 16 November 1999. Accordingly, the request for information for Items 1-15 should relate to public use or on-sale activity by Applicants more than one year before the filing date of the parent application, i.e., before 16 November 1998.

In response, Applicants hereby confirm that there has been no public disclosure, public use or on-sale activity of the subject matter of the pending claims by Applicants more than one year prior to 16 November 1999.

#### **Conclusion**

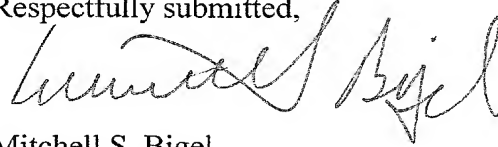
The Official Action evidences a great deal of research and analysis by the Examiner. However, Applicants have now shown that the pending claims are fully supported by the parent application, so that the effective filing date of the pending claims is 16 November 1999. Moreover, Applicants have shown that it would not be obvious to verify that a buyer has a valid license issued to the buyer by a regulatory agency for the

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regulated goods, based on the submitting of a prescription to an Internet pharmacy. Finally, Applicants have fully complied with the request for information based on the effective filing date of the claims of 16 November 1999. In view of the above analysis, Applicants respectfully submit that all of the pending claims are in condition for allowance, which is respectfully requested.

If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (919) 854-1400.

Respectfully submitted,

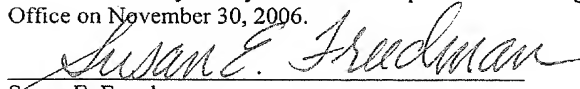


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Susan E. Freedman

Date of Signature: November 30, 2006